

Panaji, 9th August, 1984 (Sravana 18, 1906)

SERIES II No. 19

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 6/2/81-PER

On the recommendation of the Government of India, Ministry of Home Affairs and the Union Public Service Commission, Shri Surya Prakash Dixit is appointed on probation for a period of two years to the Goa, Daman and Diu Civil Service, Grade II in the scale of Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200, under Rule 5(a) of the Goa, Daman and Diu Civil Service Rule, 1967 w.e.f. 7th July, 1984 (Before Noon).

2. The appointment is made against one of the nine training deputation/leave reserve vacancies.

3. Shri Dixit reported for duties to the Director of Training at New Delhi, on 7-7-84 (BN). He shall undergo 4 months Foundational Training Course at the Directorate of Union Territories Civil Services (Trg), 'B' Block, Vikas Bhavan, New Delhi — 100 002.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 31st July, 1984.

Secretariat Administration and Coordination Division

Notification

No. 45/1/84-SA & C

Following Notification received from the Ministry of Home Affairs appointing Air Chief Marshal I. H. Latif (Retired), Governor of Maharashtra, as Administrator of Goa, Daman & Diu and Dadra and Nagar Haveli is hereby published for general information.

G. H. Mascarenhas, Under Secretary (S. A. & C.).

Panaji, 1st August, 1984.

No. U. 14020/34/82-UTS
GOVERNMENT OF INDIA
(BHARAT SARKAR)
MINISTRY OF HOME AFFAIRS
(GRIH MANTRALAYA)

New Delhi - 110001, dated the 20 July, 1984

Notification

In exercise of the powers conferred by clause (2) of article 239 of the Constitution, the President is pleased to appoint Air Chief Marshal I. H. Latif (Retired), Governor of Maha-

ashtra as Administrator of the Union Territories of Goa, Daman and Diu and Dadra and Nagar Haveli in addition to his duties as Governor of Maharashtra w.e.f. 3rd July, 1984.

Sd/-

(BALESHWAR RAI)

Deputy Secretary to the Government of India.

Home Department (General)

Notification

No. HD-G-45-59-575/66 Vol. III

Read:— Notification No. HD-G-45-59-575/66, Vol. III dated 17-6-1982 and 21-4-1983.

The Goa, Daman and Diu Rajya Sainik Board is hereby reconstituted as under :—

1. Lieutenant Governor — Chairman.
2. The Chief Minister — Vice-Chairman.
3. The General Officer Commanding-in-Chief, Headquarters Southern Command, Pune — Member.
4. Shri Chandrakant Chodankar, MLA — Non-Official Member.
5. The Chief Secretary of Goa, Daman and Diu — Member.
6. The Collector of Goa — Member.
7. The Flag Officer Commanding, Goa Area, India Navy, Vasco-da-Gama — Member.
8. The Station Commander and Commandant, HQ 2 Signal Training Centre, Panaji — Member.
9. Director Resettlement, South Zone, Pune-I — Special Invitee.
10. Brig. (Retd.) K. F. D'Lima 53, Defence Colony, Porvorim — Non-Official Member.
11. Wg. Comdr. (Retd.) S. M. Prabhu Dessai — Non-Official Member.
12. Representative of the Goa Chamber of Commerce — Non-Official Member.
13. The Under Secretary (Home) — Ex-Officio Member.
14. The Under Secretary (Revenue) — Ex-Officio Member.
15. Major (Retd.) B. Nazareth — Member Secretary.
2. The functions of the Board are as specified below:—
 - i) Coordinating and administering the work of Goa, Daman and Diu Rajya Sainik Board;
 - ii) Promoting measures relating to the welfare of ex-servicemen and the families of serving and deceased personnel;

- iii) Disseminating information to the general public regarding the Armed Forces in the country and taking measures to encourage the general public to take active interest in the Armed Forces.

3. The reconstituted Board shall hold office for a period of 2 years. It shall meet twice in a year.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. N. S. Nair, Under Secretary (Home).

Panaji, 26th July, 1984.

Works, Education and Tourism Department

Corrigendum

No. 9-2-79-WET/8923

Read: Govt. Order No. 9-2-79-WET dated 11th October 79 regarding appointment of Shri Dilip B. Naik, Assistant Chemist in the Directorate of Archives, Archaeology and Museum, Panaji.

In line 6 (six) of Para 1 (one) of the Govt. Order quoted above for the words "with immediate effect" may be read as "with effect from 4th August 1979".

By order and in the name of the Administrator of Goa, Daman and Diu.

V. S. Sawant, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 28th July, 1984.

Corrigendum

No. 9-2-79-WET/8923

Read: Govt. Order No. 9-2-79-83-WET/5615 dated 12th May, 1983 regarding satisfactory completion of probation of two years by Shri Dilip B. Naik, Asst. Chemist in the Directorate of Archives, Archaeology and Museum, Panaji.

In the Government order quoted above the completion of period of probation of two years may be read as '4th August 81' instead of '10th October 81'.

By order and in the name of the Administrator of Goa, Daman and Diu.

V. S. Sawant, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 28th July, 1984.

Forest and Agriculture Department

Order

No. 2/7/80-AGR(1)

The Administrator of Goa, Daman and Diu is pleased to appoint on ad-hoc basis Shri P. P. S. Mopkar, presently holding the post of Sugarcane Development Officer, in the pay scale of Rs. 700-1300 in the Directorate of Agriculture, to the post of Project Officer (Sugarcane) in the pay scale of Rs. 1100-1600 (group "A" gazetted) with effect from 1-8-1984 in the vacancy caused by superannuation of Shri G. A. S. Nagarsekar.

2. Shri P. P. S. Mopkar, shall hold the charge of the post of Sugarcane Development Officer in addition to his own duties till further orders.

3. The above appointment will not bestow on the appointee any claim for regular appointment and services rendered

in the grade will not count for the purpose of seniority in the grade and eligibility for promotion to the next higher grade.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 31st July, 1984.

Local Administration and Welfare Department

Order

No. 3-39-73-LSG(GEN)

Shri N. Rajasekhar, Joint Director of Industries & Mines Department is hereby appointed as Administrator of Margao Municipal Council during the leave period of Shri S. K. Jain, Jt. Secretary (Planning & Development) Secretariat from 6-8-1984 to 5-9-1984. The above appointment is in addition to his own duties.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (L A W D).

Panaji, 6th August, 1984.

Notification

No. 4-46-76/UDD

In exercise of the powers vested under section 20 of the Goa, Daman & Diu Town and Country Planning Act, 1974 (Act 21 of 1975), the Administrator of Goa, Daman and Diu hereby appoints the following persons as Chairmen and Members of the Planning and Development Authorities:—

I. Panaji Planning and Development Authority:

1. Shri Jagannath Khalap — Chairman.
2. Representative of the Village Panchayat, Mercas — Member.
3. Representative of the Village Panchayat, Chimbel — Member.
4. Representative of the Panaji Municipal Council — Member.
5. Shri Ralino D'Souza, Architect — Member.
6. Shri Ricardo Sequeira — Member.
7. Shri Audut Kamat — Member.
8. A Town Planning Officer, deputed by the Government from the Town and Country Planning Dept. — Member Secretary.

II. Southern Planning and Development Authority:

1. Shri Fenelon Rebello — Chairman.
2. Representative of the Village Panchayat, St. Jose de Areal — Member.
3. Representative of the Margao Municipal Council — Member.
4. Shri Narayan Krishna Naik — Member.
5. Shri Raghuvir P. Keni — Member.
6. Shri Gabriel Rodrigues, Engineer — Member.
7. A Town Planning Officer, deputed by the Government from the Town & Country Planning Dept. — Member Secretary.

III. Mormugao Planning and Development Authority:

1. Dr. Proto Barbosa — Chairman.
2. Representative of the Village Panchayat, Sancoale — Member.
3. Representative of the Mormugao Municipal Council — Member.
4. Shri Madhav Kamat — Member.
5. Shri Anjelo Mendonsa, Architect — Member.
6. Shri Shaik Mohammed Ahamad — Member.
7. A Town Planning Officer, deputed by the Government from the Town & Country Planning Dept. — Member Secretary.

By order and in the name of the Administrator of Goa, Daman and Diu.

A. V. Pimenta, Under Secretary (LAWD).

Panaji, 27th July, 1984.

Revenue Department

Notification

No. 22/155/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of road from Xeldem to Avedem via Gonvol in V. P. Avedem Cotombi.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Dy. Collector (2-South) Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Dy. Collector (2-South) Margao.
3. The Executive Engineer, W. D. XVIII (R&B) P.W.D., Ponda Goa.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector (2-South) Margao for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Quepem	Cotombi	28	2 part	1. Comunidade of Cotombi.	1000.00
			28	1 part	2. Antonio Rosario Da Silva.	750.00
			2	1 part	1. Comunidade of Cotombi.	1925.00
					2. Bartolomeu Inacio Piedade.	
					3. Antonio Rosario Da Silva.	
			51	29 part	1. Comunidade of Cotombi.	150.00
			56	1 part	1. Comunidade of Cotombi.	1775.00
			56	1 part	1. Bernardo Pereira.	825.00
			56	2 part	1. Bernarndo Pereira.	350.00
					T: 1. Rama Shambu Prabhu Dessai.	
					2. Bablo Sukdo Prabhu Dessai.	
					3. Vithal Purshottam Prabhu Dessai.	
					4. Purushottam Kust Prabhu Dessai.	
					5. Vithoba Ravindra Prabhu Dessai.	
					6. Pandhari Ramchandra Prabhu Dessai.	
					7. Ramchandra Prabhu Dessai.	
					8. Bomo Babu Prabhu Dessai.	
					9. Ramnath Kust Prabhu Dessai.	
					10. Gopinath Babli Prabhu Dessai.	
			56	3 part	T: 1. Vithal Purushottam Prabhu Dessai.	700.00
					2. Bablo Sukho Prabhu Dessai.	
					3. Ram Shambu Prabhu Dessai.	
					4. Purushottam Kust Prabhu Dessai.	
					5. Vithoba Ravindra Prabhu Dessai.	
					6. Pandari Ramchandra Prabhu Dessai.	
					7. Ramchandra Prabhu Dessai.	
					8. Bomo Babu Prabhu Dessai.	
					9. Ramnath Kust Prabhu Dessai.	
					10. Gopinath Babli Prabhu Dessai.	
			56	4 part	1. Yesu Bhutto Prabhu Dessai.	1500.00
					2. Bablo Sukdo Prabhu Dessai.	
					3. Bomo Babu Prabhu Dessai.	
					4. Deva Narayan Prabhu Dessai.	
					5. Vithobha Ravindra Prabhu Dessai.	
			57	1 part	1. Yeshwant Alies Vasant.	50.00
					2. Babu Prabhu Dessai.	
					3. Krishna Yesu Prabhu Dessai.	
			57	31 part	1. Yeshwant alias Vasant.	60.00
					2. Babu Prabhu Dessai.	
					3. Krishna Y. P. Dessai.	
					T: Laurence Oliveira.	
			57	40 part	1. Yeshwant alias Vasant.	100.00
					2. Babu Prabhu Dessai.	
					3. Krishna Y. P. Dessai.	
					T: Nanda Yeshwant Devli.	
			57	47 part	1. Yeshwant alias Vasant.	100.00
					2. Babu Prabhu Dessai.	
					3. Krishna Yesu Prabhu Dessai.	
					T: Lourenco Oliver.	

1	2	3	4	5	6	7
Quepem	Cotombi	57	48 part	1. Yeshwant alias Vasant. 2. Babu Prabhu Dessai. 3. Krishna Yesu Prabhu Dessai. T: 1. Nanda Yeshwant Devli. 2. Lourenco Oliveira.		275.00
		57	58 part	1. Yeshwant alias Vasant. 2. Babu Prabhu Dessai. 3. Krishna Yesu Prabhu Dessai. T: Eliza D'Mello.		230.00
		57	59 part	1. Yeshwant alias Vasant. 2. Babu Prabhu Dessai. 3. Krishna Yesu Prabhu Dessai. T: Joao Fernandes.		50.00
		57	60 part	1. Yeshwant alias Vasant. 2. Babu Prabhu Dessai. 3. Krishna Yesu Prabhu Dessai.		50.00
		57	61 part	1. Yeshwant alias Vasant. 2. Babu Prabhu Dessai. 3. Krishna Yesu Prabhu Dessai. T: Eliza D'Mello. Joao Fernandes.		50.00
		57	63 part	1. Yeshwant alias Vasant. 2. Babu Prabhu Dessai. 3. Krishna Yesu Prabhu Dessai. T: Nanda Yeshwant Devli.		50.00
		57	64 part	1. Yeshwant alias Vasant. 2. Babu Prabhu Dessai. 3. Krishna Yesu Prabhu Dessai.		75.00
		57	65 part	1. Yeshwant alias Vasant. 2. Krishna Yesu Prabhu Dessai. T: Nanda Yeshwant Devli.		60.00
		57	66 part	1. Yeshwant alias Vasant. 2. Krishna Yesu Prabhu Dessai. T: Eliza D'Mello.		15.00
		57	66 part	1. Yeshwant alias Vasant. 2. Krishna Yesu Prabhu Dessai. T: Eliza D'Mello.		300.00
		57	46 part	1. Yeshwant alias Vasant. 2. Krishna Yesu Prabhu Dessai. T: Lourenco Oliveira.		35.00
		57	67 part	1. Yeshwant alias Vasant. 2. Krishna Yesu Prabhu Dessai. T: Eliza D'Mello. 2. Lourenco Oliveira. 3. Nanda Yeshwant Devli. 4. Joao Fernandes.		350.00
		57	69 part	1. Yeshwant alias Vasant. 2. Krishna Yesu Prabhu Dessai. T: Piedade Fernandes.		100.00
		57	73 part	1. Yeshwant alias Vasant. 2. Krishna Yesu Prabhu Dessai. T: Joao Oliveira.		100.00
		57	75 part	1. Yeshwant alias Vasant. 2. Krishna Yesu Prabhu Dessai. T: 1. Menino Oliveira. 2. Camilo Oliveira. 3. Lourenco Oliveira.		175.00
		57	83 part	1. Yeshwant alias Vasant. 2. Krishna Yesu Prabhu Dessai.		50.00
		57	87 part	1. Yeshwant alias Vasant. 2. Krishna Yesu Prabhu Dessai. T: Menino Oliveira.		25.00
		57	89 part	1. Yeshwant alias Vasant. 2. Krishna Yesu Prabhu Dessai. T: Menino Oliveira.		25.00
		57	93 part	1. Yeshwant alias Vasant. 2. Krishna Yesu Prabhu Dessai. T: Menino Oliveira.		75.00
		57	95 part	1. Yeshwant alias Vasant. 2. Krishna Yesu Prabhu Dessai. T: Vicent Dias.		50.00
		72	1 part	1. Monohar Yeshwant Prabhu Dessai. 2. Datta Laximan Prabhu Dessai.		750.00

1	2	3	4	5	6	7
Quepem	Cotombi	72	2 part	1. Emith Fernandes. 2. Albano Fernandes.		300.00
		72	4 part	1. Gopinath Bali Prabhu Dessai.		520.00
		73	1 part	1. Gopinath Bali Prabhu Dessai.		175.00
		73	8 part	1. Shri Deo Mahadeo Devalaya.		430.00
		73	6 part	1. Shri Deo Mahadeo Devalaya. T: Yesu Madral.		100.00
		73	9 part	1. Shri Deo Mahadeo Devalaya. T: Andrew Mendes.		110.00
		73	10 part	1. Shri Deo Mahadeo Devalaya. T: Essu Bhiku Forgente.		130.00
		73	12 part	1. Shri Deo Mahadeo Devalaya. T: Essu Bhiku Forgente. 2. Andrew Fernandes. 3. Yesu Madval. 4. Shivram Madval.		1400.00
		68	5 part	1. Shri Deo Mahadeo Devalaya.		575.00
		68	6 part	1. Shri Reginaldo Carvalho. T: 1. Sebastia Colaco. 2. Conception. 3. Joseph Clemente.		1550.00
		68	4 part	1. Balkrishna Ventesh Prabhu Dessai. 2. Kashinath Ventesh Prabhu Dessai. 3. Nagu Ventesh Prabhu Dessai.		1525.00
		68	7 part	1. Comunidade of Cotombi.		170.00
		66	6 part	Vinayak Sinai Xeldekar.		135.00
		66	7 part	Vinayak Sinai Xeldekar.		80.00
		67	1 part	Vasant Porob.		200.00
				North: S. No. 28/2, 1, Road, S. No. 51/1, S. No. 56/1, 2, 3, 4, S. No. 57/1, 31, 40, 47, 58, 59, 61, 63, 64, 65, 66, 46, 67, 69, 73, 75, 87, 89; 93, S. No. 72/1, 2, 4, S. No. 73/1, 8, 6, 9, 10, 12, S. No. 68/5, 68/6, 4, S. No. 66/6, 7. South: S. No. 2/1, S. No. 68/5, 6, 4, S. No. 67/1, Road. East: Village Boundary of Xeldem Road, S. No. 211, S. No. 57/40, 47/48. West: Road, S. No. 57/56, 65, 64.		
Quepem	Xeldem	273	252 part	1. Vinayak Sinai Xeldekar. T: Philip Oliveira.		85.00
		273	251 part	1. Vinayak Sinai Xeldekar. T: Pedro Oliveira.		160.00
		273	240 part	1. Vinayak Sinai Xeldekar. T: Pedro Coreia.		15.00
		273	241	Vinayak Sinai Xeldekar.		155.00
		273	237 part	Vinayak Sinai Xeldekar.		275.00
		273	172 part	Vinayak Sinai Xeldekar. T: Pedro Coreia.		150.00
		273	138 part	1. Vinayak Sinai Xeldekar. T: Minguel Francisco Oliveira.		100.00
		273	133 part	Vinayak Sinai Xeldekar. T: Brasso Oliveira.		50.00
		273	126 part	Mablu Satu Gauns Dessai. T: Minguel Francisco Oliveira.		120.00
		273	122 part	Mablu Satu Gauns Dessai. T: Menino Oliveira.		50.00
		273	121 part	Mablu Satu Gauns Dessai.		80.00
		273	120 part	Mablu Satu Gauns Dessai. T: Domingo Peixote.		20.00
		273	110 part	Mablu Satu Gauns Dessai. T: Minguel Francisco Oliveira.		60.00
		273	109 part	Mablu Satu Gauns Dessai. T: Domingo Peixote.		70.00
		273	108 part	Mablu Satu Gauns Dessai. T: Menino Oliveira.		70.00
		273	107 part	Mablu Satu Gauns Dessai. T: Minguel Francisco Oliveira.		45.00
		213	106 part	Mablu Satu Gauns Dessai. T: Minguel Francisco Oliveira.		50.00
		273	79 part	Mablu Satu Gauns Dessai.		225.00
		273	76 part	2. Vithal Satu Gauns Dessai. Mablu Satu Gauns Dessai. T: Domingo Peixote.		50.00
		273	77 part	1. Mablu Satu Gauns Dessai. 2. Vithal Satu Gauns Dessai. T: Minguel Francisco Oliveira.		60.00
		273	78	1. Mablu Satu Gauns Dessai. 2. Vithal Satu Gauns Dessai.		40.00
		273	32 part	1. Vinayak Sinai Xeldekar. T: Minguel Francisco Oliveira.		10.00
		273	6 part	1. Thomas Aquino Fernandes. 2. Maria Juliana Fernandes.		200.00
		273	7 part	1. Rosalina Gomes. 2. Thomas Aquino Fernandes. 3. Maria Juliana Fernandes.		75.00

1	2	3	4	5	6	7
Quepem	Xeldem	273	5 part	1. Rosalina Gomes. 2. Thomas Aquino Fernandes. 3. Maria Juliana Fernandes.		20.00
		273	2 part	1. Rosalina Gomes. 2. Thomas Aquino Fernandes. 3. Maria Juliana Fernandes.		135.00
		273	1 part	1. Rosalina Gomes. 2. Thomas Aquino Fernandes. 3. Maria Juliana Fernandes.		75.00
		272	2 part	Vasant Porob. T: Minguel Oliveira.		65.00
		272	3 part	Vasant Porob. T: Niclau Cardoso.		50.00
		271	1 part	Vasant Porob. T: Josefa Oliveira.		50.00
		271	2 part	Vasant Porob. T: Pedro Oliveira.		300.00
		271	3 part	Vasant Porob.		275.00
		271	4 part	Vasant Porob.		175.00
		270	57 part	1. Vasant Porob. 2. Mablú Satu Gauns Dessai. T: Jacky Oliveira.		70.00
		270	56 part	1. Vasant Porob. 2. Mablú Satu Gauns Dessai. T: Nicolau Cardoso.		50.00
		270	55 part	1. Vasant Porob. 2. Mablú Satu Gauns Dessai. T: Minguel Oliveira.		45.00
		270	54 part	1. Vasant Porob. 2. Mablú Satu Gauns Dessai. T: Antonio Oliveira.		45.00
		270	53 part	1. Vasant Porob. 2. Mablú Satu Gauns Dessai. T: Minguel Oliveira.		20.00
		270	52 part	1. Vasant Porob. 2. Mablú Satu Gauns Dessai. T: Antonio Oliveira.		10.00
		270	4 part	1. Vasant Porob Sinai Xeldekar. 2. Pundalik Huto Sinai Xeldekar.		475.00
		277	34 part	1. Thomas Aquino Fernandes. 2. Maria Juliana Fernandes.		150.00
		277	8 part	1. Thomas Aquino Fernandes. 2. Maria Juliana Fernandes.		430.00
		277	1 part	1. Thomas Aquino Fernandes. 2. Maria Juliana Fernandes.		80.00
		277	6 part	1. Thomas Aquino Fernandes. 2. Maria Juliana Fernandes.		50.00
		277	5 part	1. Thomas Aquino Fernandes. 2. Maria Juliana Fernandes. T: Caitano Gomes.		35.00
		277	4 part	1. Thomas Aquino Fernandes. 2. Maria Juliana Fernandes. T: Floriana Gomes.		40.00
		277	3 part	1. Thomas Aquino Fernandes. 2. Maria Juliana Fernandes. T: Rosalina Fernandes.		60.00
		277	2 part	1. Thomas Aquino Fernandes. 2. Maria Juliana Fernandes. T: Florina Gomes.		150.00
		277	7 part	1. Thomas Aquino Fernandes. 2. Maria Juliana Fernandes. T: Rosalina Gomes.		65.00
		278	2 part	1. Yeshwant Porob.		75.00
		278	9 part	1. Yeshwant Porob. T: Joaquim Fernandes.		10.00
		278	5 part	1. Yeshwant Porob. T: Piedade Fernandes.		30.00
		278	4 part	1. Yeshwant Porob. T: Santana Mehezes.		30.00
		278	3 part	1. Yeshwant Porob. T: Piedade Fernandes.		10.00
		278	1 part	1. Yeshwant Porob.		50.00
		276	11 part	Zallem Zamaulikar.		225.00
		276	86 part	Zallem Zamaulikar. T: Lourenco Peixote.		10.00
		276	83 part	Zallem Zamaulikar. T: Amacio Peixote.		20.00
		276	80 part	Zallem Zamaulikar. T: Jose Gomes.		10.00
		276	70 part	Zallem Zamaulikar. T: Martinho Peixote.		50.00
		276	71 part	1. Zallem Zamaulikar. T: Sebastiao Peixote.		50.00

1	2	3	4	5	6	7
Quepem	Xeldem	276	62 part	1. Zaillem Zamaulikar. T: Vitorino Peixote.		45 00
		276	56 part	1. Zaillem Zamaulikar. T: Niclau Peixote.		40.00
		276	46 part	Zaillem Zamaulikar. T: Amacio Peixote.		40.00
		276	45 part	Zaillem Zamaulikar. T: Sebastiao Peixote.		30.00
		276	42 part	Zaillem Zamaulikar. T: Vitorino Peixote.		30.00
		276	31 part	Zaillem Zamaulikar. T: Jose Gomes.		50.00
		276	23 part	Zaillem Zamaulikar. T: Niclau Peixote.		50.00
		276	17 part	Zaillem Zamaulikar. T: Martinho Peixote.		65.00
		276	10 part	Zaillem Zamaulikar. T: Amacio Peixote.		50.00
		276	1 part	Zaillem Zamaulikar.		60.00
		279	1 part	Yeshwant Porob.		900.00
<p>North: S. No. 273/252, 251, 240, 237, 172, 138, 133, 126, 122, 121, 120, 110, 109, 108, 105, 106, 79, 76, 77, 32, 6, 7, 5, 2, 1, S. No. 276/11, 86, 83, 80, 70, 71, 62, 56, 46, 45, 42, 31, 23, 17, 10, and 1, S. No. 279/1, Road.</p> <p>South: Road 272/2, 3, S. No. 271/1, 271/2, 3, 4, 270/57, 56, 55, 54, 53, 52, 4, 3, S. No. 277/34, 8, 1, 6, 5, 4, 277/3, 2, 7, S. No. 278/2, 5, 4, 3, 1, S. No. 279/1.</p> <p>East: Road 270/4, 277/34, 8, 16, 12, 9, Road S. No. 279/1.</p> <p>West: Road Village Boundary of Cotombi S. No. 273/2, 5, 6, 7.</p>						
Total						26,640.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 27th July, 1984.

Notification

No. 22/157/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of Road near Sanrit Hotel starting from Francisco Luis Gomes Road and connecting to Martires Dias Road.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compen-

sation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Dy. Collector (2-South) Margao to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Dy. Collector (2-South) Margao.
3. The Chief Officer, Margao Municipal Council, Margao.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Dy. Collector (2-South) Margao for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	P. T. Sheet No.	Chalta No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Salcete	Margao	240	62 part	Felix Pereira.	50.00
				67 part	Constancio Pereira.	25.00
				71 part	1. Nascimento Milagres Pereira.	9.00
					2. Pío Silvestre Pereira.	
					3. Constancio Pereira.	
				79 part	Manuel Pereira.	25.00
				85 part	Constancio Pereira.	15.00
				88 part	Santana Piedade Braganza.	15.00
				92 part	Milagres Vaz.	40.00
				120 part	Santan Gomes.	80.00
				130 part	1. Constancio Camilo Mendes.	70.00
					2. Socorro Lodovin Mendes.	
					3. Pedro Antonio Mendes.	
					4. Teodolina Mendes.	
		— do —		133	1. Joseph Micael Dias.	40.00
					2. Francisco Dias.	
					3. Catarina Dias.	
					4. Ana Maria alias Aida Dias.	
				137	1. Rosa Piedade Fernandes.	25.00
					2. Cyril Francisco Fernandes.	
					3. Joseph Soloman Aleixo Isineu Fernandes.	
					4. Bosco Valeriano Franco Martinho Fernandes.	
					5. Mario Agnelo Fernandes.	
					6. Ignecious Loyola da Sacramento Fernandes.	
				135	1. Rosa Piedade Dias.	12.00
					2. Cyril Francisco Fernandes.	
					3. Joseph Soleman Aleixo Irineu Fernandes.	
					4. Bosco Valeriano Franco.	
					5. Martinho Fernandes.	
					6. Mario Agnelo Fernandes.	
					7. Ignecious Loyola da Sacramento Fernandes.	
				222	Santan Gomes.	50.00
				217	Santan Gomes.	430.00
			252	249	Joao Santan Gomes.	825.00
			252	77	Maria Albertin Rebello.	55.00
				87	1. Floriano D'Costa.	40.00
					2. Minguel D'Costa.	
					3. Francisco D'Costa.	
		— do —		92	Domingos Piedade Fernandes.	190.00
				95	Rosa Piedade Fernandes and others.	45.00
				54	Joao Santan Gomes.	75.00
				68	Joao Santan Gomes.	260.00
					217	
					North: Road, Ch. No.	
					240	
					South: Road.	
					East: Ch. No. 130, 133, 137, 135, 222, 217, 77,	
					240, 240, 240, 240, 240, 240, 252,	
					87, 92, 95, 96, 97, 98, 99, 55	
					252 252 252 252	
					56, 57, 58, 59, 60, 61, 259,	
					252 252	
					62, 54, 68.	
					252	
					West: Ch. No. 62, 67, 71, Ch. No. 79, 85	
					240 240 240 240	
					82, 120, 121, 249, 88	
					240 240, 240 252 240	
					Total	2376.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 25th July, 1984.

Public Health Department

Order

No. 5/21/84-PHD

The resignation tendered by Dr. (Mrs) Dipali A. Vidyarthi, Public Health Dentist under the Directorate of Health Services, Panaji is hereby accepted from the date of her relief.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 31st July, 1984.

Industries and Labour Department

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 16th July, 1984.

IN THE LABOUR COURT GOA, DAMAN & DIU,
PANAJI-GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/7/82

- | | |
|-------------------------------------|-------------|
| 1. Mr. Vasant N. Poi Arvodkaer | — Applicant |
| V/s. | |
| 1. Shri Pravinkumar S. Gosalia, | — Opponents |
| Mg. Director. | |
| 2. Shri Vinod S. Gosalia, Director. | |
| 3. M/s. S. Kantilal & Co. Pvt. Ltd. | |

Applicant represented by Shri P. Ghodge, President of The Goa Shops and Industrial Workers' Union and Adv. F. D'Mello.

Opponents represented by Shri Ramesh Desai, Labour Advisor.

Panaji. Dated: 26-5-1984

AWARD

In this application filed by the above applicant against the above Opponent under Section 33C(2) of the I.D.A., 1947, in short the Act, it is prayed that the Opponents be directed to pay him Rs. 12,139-55 of his wages from January 1981 to January 1982, as per the details shown in the annexure.

2. It is stated in the application that the applicant was employed with the Opponents on 1-4-1955 as Senior Clerk at Mines Office, Sancordem, with the initial monthly salary of Rs. 225/- which, later, was increased to Rs. 1,067-10. He has approached the Management to get his salary dues, but with no result.

3. The Opponents, in their written statement, raised the objection regarding the impleading of Shri. Pravinkumar Gosalia and Shri Vinod S. Gosalia, in their individual capacity, as Opponents in the proceedings, stating that the applicant was in the employment of the Company, who is the employer and the sole responsible for the purpose of law and not the Directors, in their individual capacity.

On the merits, it is stated that the Company, since 1973-74, has been facing difficulties in its business and in the last 4 years, an acute financial crisis. The workers were paid their wages, although with delay. A meeting was called and the workmen employed in the Mines agreed to give production

at a certain rate per month, based on which the Opponents agreed to effect payment linked with production to the workmen employed in the Mines. Unless production was made by the workers in the Mines, there would be no effective work to perform in their day to day activities. On account of the failure on the part of the workers to give any production in the month of December 1980, the employees in the Head Office were considered as on lay-off without wages, which position was explained to the applicant and others. Since the applicant is to be considered as on lay-off and did not perform any work after resuming duties, he is not entitled to any wages, as claimed in the application.

4. Following issues were framed by the Court:

1. Whether the applicant proves that he is a workman within the meaning of Section 33C(2) of the I.D.A., 1947, briefly called the 'Act'?
2. Whether the applicant proves that he is entitled to claim from the Opponent Rs. 12,139-55, as his salary dues from January 1981 to January 1982, as per the details shown in the annexure to the application?
3. Whether the applicant proves that the Opponents two and three, as Managing Directors of Opponent No. 1, are also liable to pay the dues claimed by him?
4. Whether the Opponents prove that the applicant is to be considered as in lay off without wages during the above mentioned period, on account of the Section of the workmen on mines not performing any working after resuming duty?
5. Whether the Opponents prove that during the said period the applicant has not performed any duties, and, consequently, is not entitled to any wages?"

5. Issue No. 1 was not pressed by the Ld. Rep. of the Opponents and, hence, it is to be deemed as dropped. On the other issues, both the parties' rep. led their evidence. The applicant got himself examined and the Opponent's rep. examined Shri Vinod S. Gosalia, Director of M/s. S. Kantilal and Company Private Limited.

6. I shall take up first issue No. 3 regarding liability of the Managing Directors of the Company, in their individual capacity, to pay the dues of the applicant.

It is an admitted fact that the employer of the applicant was the Company, M/s. S. Kantilal & Co. Pvt. Ltd., and not its Directors in their individual capacity and, therefore, the said Directors in their individual capacity cannot be held liable to pay to the applicant whatever amounts are due to him in connection with the employment as, in the eyes of law, the Company is a separate entity, distinct from its members. Consequently, the Company alone can be held responsible for whatever dues are claimed by the applicant in connection with his employment in the Company. I, therefore, direct that the names of Shri Pravinkumar S. Gosalia and Shri Vinod S. Gosalia be deleted from the proceedings as Opponents.

7. Coming now to issue No. 2:

The applicant, in his statement, has confirmed the contents of his application and added that, after filing of the application, he has been paid of his salary for January and February, 1981.

In his cross, he has admitted that the purchase of ore by the Company from independent Mine Owners went on gradually decreasing and, virtually, came to a standstill in 1980. He has further admitted that, except for the last 6 to 7 years, the Company used to pay their wages in time. He has denied the knowledge of the meeting alleged to be held by the Company and also that the payment of their wages was linked with the production in the Mines.

8. Shri Vinod Gosalia has stated, in short, that around 1971-72 the export of ore by the Company stopped, due to financial difficulties and labour problems. Before the stoppage, the Company had about 80 employees in the Mines and Head Office which are now reduced to 2 or 3. Most of them resigned and left the Company, S. Kantilal, which have not produced ore in the Mines for more than 10 years. The Mines of this Company are kept working by raising contractors. There was a dispute between the Management and the workers employed in the Mines from 1980. This dispute was for not getting their co-operation in production activity. Since the workers were not working, the Company decided to lay them off. The Head Office staff was also told by the Management that, since there was no production in Mines, there was no money to pay their wages and so they were laid off.

In his cross, he had admitted that the workers employed were directly employed by the Company and not by the Directors. That S. Kantilal and Shantilal Khushaldas are sister concerns, both functioning in the same premises and the employees of one company were transferable to another with continuity of service. He did not issue any notice of lay off to the workers at the Head Office. The applicant and others were paid their wages according to their pay scale, whether or not they did any work.

9. This is all the evidence led by the parties.

The claim of Rs. 12,139-55 has not been denied by the Opponent, whose only contention is that, due to their financial difficulties, they could not effect payment to the applicant. The applicant has stated in his statement that, after the filing of the application, he has received salary for January and February 1981 at the rate of Rs. 907-95 totalling Rs. 1,815-90. Hence, deducting Rs. 1,815-90 from Rs. 12,139-55, the applicant is entitled to receive from the Opponents Rs. 10,323-65, of his salary dues till January 1982.

10. Considering now issue No. 4, regarding lay-off.

Shri Vinod S. Gosalia has stated in his cross examination that he did not issue any notice of lay off to the workers at the Head Office. Even assuming, for the sake of arguments, that, under the Standing Orders of the Company, the employer was entitled to lay-off the workers, in the absence of any such notice, there could not be any lay-off.

The contention of the employer that, as the employees in the Mines failed to give any production and so the employees at the Head Office had no effective work to perform, they were considered as on lay off without wages cannot be accepted. It is to be noted that the applicants work was not linked with production and even assuming that there was no work for the employees at the Head Office for non production in the Mines, which fact, otherwise, is denied by the applicant, the employer, if it did not want to pay the salary of the employees in future could have retrenched them, after complying with the legal formalities, which he did not do.

11. In the premises above, I pass the following Order:

ORDER

The names of the Directors, Shri Pravinkumar S. Gosalia and Shri Vinod S. Gosalia as Opponents in this application should be deleted. The employer company is directed to pay to the applicant the total amount of Rs. 10,323-65 as his wages till January 1982, with 12 p.c. interest till the date of effective payment. Costs of Rs. 100/- to be paid by the employer to the applicant.

Dr. Renato de Noronha

Presiding Officer
Labour Court

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 16th July, 1984.

IN THE LABOUR COURT GOA, DAMAN AND DIU, PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer).

Application No.: LCC/5/82

- | | |
|---|-------------|
| 1. Mr. Reginaldo Rodrigues | — Applicant |
| V/s. | |
| 1. Shri Pravinkumar S. Gosalia Mg. Director | — Opponents |
| 2. Shri Vinod S. Gosalia, Director | |
| 3. M/s. S. Kantilal & Co. Pvt. Ltd. | |

Applicant represented by Shri P. Ghodse, President of The Goa Shops and Industrial Workers' Union and Adv. F. D'Mello.

Opponents represented by Shri Ramesh Desai, Labour Advisor.
Panaji. Dated: 26-5-1984

AWARD

In this application filed by the above applicant against the above opponent under Section 33C(2) of the I.D.A., 1947, in short the Act, it is prayed that the Opponents be directed to pay him Rs. 7,975-80 of his wages from January, 1981 to January 1982, as per the details shown in the annexure.

2. It is stated in the application that the applicant was employed with the Opponents on 18-9-1967 as a Clerk at the Head Office, at Margao, with the initial monthly salary of Rs. 200/- which, later, was increased to Rs. 732-30. He has approached the Management to get his salary dues, but with no result.

3. The Opponents, in their written statement, raised the objection regarding the impleading of Shri Pravinkumar Gosalia and Shri Vinod S. Gosalia, in their individual capacity, as Opponents in the proceedings, stating that the applicant was in the employment of the Company, who is the employer and the sole responsible for the purpose of law and not the Directors, in their individual capacity.

On the merits, it is stated that the Company, since 1973-74, has been facing difficulties in its business and in the last 4 years, an acute financial crisis. The workers were paid their wages, although with delay. A meeting was called and the workmen employed in the Mines agreed to give production at a certain rate per month, based on which the Opponents agreed to effect payment linked with production to the workmen employed in the Mines. Unless production was made by the workers in the Mines, there would be no effective work to perform in their day to day activities. On account of the failure on the part of the workers to give any production in the month of December 1980, the employees in the Head Office were considered as on lay-off without wages, which position was explained to the applicant and others. Since the applicant is to be considered as on lay-off and did not perform any work after resuming duties, he is not entitled to any wages, as claimed in the application.

5. Following issues were framed by the Court:

1. Whether the applicant proves that he is a workman within the meaning of Section 33C(2) of the I.D.A. 1947, briefly called the Act?
2. Whether the applicant proves that he is entitled to claim from the Opponent Rs. 7,975-80 as his salary dues From January, 1981 to January 1982, as per the details shown in the annexure to the application?
3. Whether the applicant proves that the Opponents two and three, as Managing Directors of Opponent No. 1, are also liable to pay the dues claimed by him?
4. Whether the Opponents prove that the applicant is to be considered as in lay off without wages during the above mentioned period, on account of the Section of the workmen on mines not performing any work after resuming duty?
5. Whether the Opponents prove that during the said period the applicant has not performed any duties and, consequently, is not entitled to any wages?"

5. Issue No. 1 was not pressed by the Ld. Rep. of the Opponents and hence, it is to be deemed as dropped. On the other issues, both the parties' rep. led their evidence. The applicant got himself examined and the Opponent's rep. examined Shri Vinod S. Gosalia, Director of M/s. S. Kantilal and Company Private Limited.

6. I shall take up first issue No. 3 regarding liability of the Managing Directors of the Company, in their individual capacity, to pay the dues of the applicant.

It is an admitted fact that the employer of the applicant was the Company, M/s. S. Kantilal & Co. Pvt. Ltd., and not its Directors in their individual capacity and, therefore, the said Directors in their individual capacity cannot be held liable to pay to the applicant whatever amounts are due to him in connection with the employment as, in the eyes of law, the Company is a separate entity, distinct from its members. Consequently, the Company alone can be held responsible for whatever dues are claimed by the applicant in connection with his employment in the Company. I, therefore, direct that the names of Shri Pravinkumar S. Gosalia and Shri Vinod S. Gosalia be deleted from the proceedings as Opponents.

7. Coming now to issue No. 2:

The applicant, in his statement, has confirmed the contents of his application and added that, after the filing of the application, he has been paid his salary for January and February, 1981.

In his cross, he has admitted that the purchase of ore by the Company from independent Mine Owners went on gradually decreasing and, virtually, came to a standstill in 1980. He has further admitted that, except for the last 6 to 7 years, the Company used to pay their wages in time. He has denied the knowledge of the meeting alleged to be held by the Company and also that the payment of their wages was linked with the production in the Mines.

8. Shri Vinod Gosalia has stated, in short, that around 1971-72, the export of ore by the Company stopped, due to financial difficulties and labour problems. Before the stoppage, the Company had about 80 employees in the Mines and Head Office which are now reduced to 2 or 3. Most of them resigned and left the Company S. Kantilal, which have not produced ore in the Mines for more than 10 years. The Mines of this Company are kept working by raising contractors. There was a dispute between the Management and the workers employed in the Mines from 1980. This dispute was for not getting their co-operation in production activity. Since the workers were not working, the Company decided to lay them off. The Head Office staff was also told by the Management that, since there was no production in Mines, there was no money to pay their wages and so they too were laid off.

In his cross, he had admitted that the workers employed were directly employed by the Company and not by the Directors. That S. Kantilal and Shantilal Khushaldas are sister concerns, both functioning in the same premises and the employees of one company were transferable to another with continuity of service. He did not issue any notice of lay off to the workers at the Head Office. The applicant and others were paid their wages according to their pay scale, whether or not they did any work.

9. This is all the evidence led by the parties.

The claim of Rs. 7,975-80 has not been denied by the Opponent, whose only contention is that, due to their financial difficulties, they could not effect payment to the applicant. The applicant has stated in his statement that, after the filing of the application, he has received salary for January and February 1981 at the rate of Rs. 361-60 and Rs. 608-95 resp. totalling Rs. 970-55. Hence, deducting Rs. 970-55 from Rs. 7,975-80, the applicant is entitled to receive from the Opponents Rs. 7,005-25 of his salary dues till January 1982.

10. Considering now issue No. 4, regarding lay-off.

Shri Vinod S. Gosalia has stated in his cross examination that he did not issue any notice of lay off to the workers at the Head Office. Even assuming, for the sake of arguments, that, under the Standing Orders of the Company, the employer was entitled to lay off the workers, in the absence of any such notice, there could not be any lay-off.

The contention of the employer that, as the employees in the Mines failed to give any production and so the employees at the Head Office had no effective work to perform, they were considered as on lay off without wages cannot be accepted. It is to be noted that the applicant's work was not linked with production and even assuming that there was no work for the employees at the Head Office for non production in the Mines, which fact, otherwise, is denied by the applicant, the employer, if it did not want to pay the salary of the employees in future could have retrenched them, after complying with the legal formalities, which he did not do.

11. In the premises above, I pass the following Order:

ORDER

The names of the Directors, Shri Pravinkumar S. Gosalia and Shri Vinod S. Gosalia as Opponents in this application should be deleted. The employer company is directed to pay to the applicant the total amount of Rs. 7,005-25 as his wages till January 1982, with 12 p.c. interest till the date of effective payment. Costs of Rs. 100/- to be paid by the employer to the applicant.

Dr. Renato de Noronha
Presiding Officer
Labour Court

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 20th July, 1984.

IN THE LABOUR COURT, GOA, DAMAN & DIU. PANAJI-GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/25/81

1. Shri Balkrishna Ramchandra Bhandare — Applicant

V/s.

1. The Director,

M/s. Gosalia Shipping Pvt. Ltd.

— Opponent

Opponent represented by Shri B. G. Kamat, Labour Advisor.

Panaji, Dated: 18-6-1984

AWARD

This is an application filed by the above applicant against the above Opponent under Section 33C(2) of the I.D.A., 1947, in short the Act, claiming from the latter a total amount of Rs. 34,115-10, as per the details given in the annexure.

2. The Opponent was duly served with notice, but did not remain present, nor did he file any counter to the applicant's application. The matter proceeded ex-parte regarding him. At the time of hearing, the Opponent was represented by Shri B. G. Kamat, Labour Advisor. The applicant gave his evidence in open court and was cross-examined by the Ld. Rep. of the Opponent. The Opponent also examined one Raghuvir S. Shamba, who was cross-examined by the applicant. Both the parties advanced their oral arguments and now the matter is before me for passing the Award.

3. In his statement before the Court, the applicant has produced a copy of the letter dated 25-5-1981, addressed by him to the employer, in which he has given all the details of his dues. The employer has acknowledged the receipt of this letter on the top of it (Exh A-2). In this letter, the applicant has claimed Rs. 17,872-70 as net amount of his wages from May 1980 to May 1981, arrears from January 1974 to August 1977 amounting to Rs. 3,665-70, encashment of leave amounting to Rs. 6,797-70, bonus for the accounting years 1977-78 to 80-81 (4 years) amounting to Rs. 5,794/-, as per the details given in the application. He has further claimed gratuity, which now he has not claimed in this application, because, in the meanwhile, he has separately claimed it before the Labour Commissioner and already got an order for its payment as per Exh A-3 copy.

In his cross, he has denied that from August 1979 all the business of the employer came to a closure and that there was no business in the Company; he has further denied that whatever salary was paid to the workman till May 1980 was for residuary work after closure of the business. Regarding arrears of wages, he remembers that the Company has the liability and it is recorded in the account books of the Company that 1/3rd of those arrears were paid to the staff. Regarding encashment of Earned Leave and Sick Leave, the settlement at Exh A-5 (Clauses 3 and 10) provide for it. Regarding wage arrears, the Management granted revision of wage structure in September 1977 with retrospective effective from 1-1-1974 and the revised wages were paid in wage slip from September onwards and the difference of wages for the period 1-1-1974 to 31-8-1977 was decided to be paid later on. In February 1978, 1/3rd of this wage arrears were paid. Exh A-6 submitted by the employer to the Income Tax Office would show that for the period from April 1977 to March 1978 such arrears were paid to the applicant. There was no suggestion that the above facts regarding arrears of

wages, and encashment of leave stated by the applicant were not correct. Regarding bonus, he has stated that many employees got it for the year 1977-78 but he cannot give their names. It was a practice of the Company not to declare bonus, but they used to pay bonus equivalent to one month's salary.

4. This is all the evidence led by the applicant.

The Opponent has led the evidence of Shri Raghuvir S. Shambe one of his employees, who has stated that from August 1979 Gosalia Pvt. Ltd. stopped business activities and the applicant, who was working for Gosalia Shipping at Vasco, was transferred to Margao Office, as there was no work for him in the Vasco Office. After his transfer to Margao, the applicant was attending to whatever residuary work was there at Margao. This work continued upto May 1980, and thereafter there was no work for him in the Margao Office also. No bonus was paid to the employees of Gosalia Shipping for the accounting year 1977 onwards.

In his cross, he has stated that he thinks that the applicant was signing the muster roll till the date of his resignation. He is not aware whether returns of Provident Fund, Income Tax, disbursement of pay etc. were prepared during the period May 1980, to May 1981; he is not aware whether books of accounts during the said period were or not written; Exh A-7 is the letter dated 13-8-1981 signed by him as Asstt. Manager, Gosalia Shipping and addressed to the Regional Provident Fund Commissioner, Bombay, for the transfer of Provident Fund accumulated of the account of the applicant from one account to the other.

5. This is all the evidence led by the Opponent.

Since there was no suggestion in the cross examination of the applicant by the Ld. Rep. of the Opponent employer that the amount of Rs. 17,872-70, claimed by the applicant as his net wages from May 1980 to May 1981 was not correct and, further, that his wage arrears from June 1974 to August 1977 amounting to Rs. 3,665-70 were not due to him, we have to grant this request of the applicant without any hesitation.

6. Similarly, the amount of Rs. 6,792-70, claimed by the applicant as the encashment of his privilege and sick leave has not been objected to by the opponent while cross examining the applicant and, hence, it has to be granted. Otherwise, the entitlement of the applicant is supported by clauses 3 and 10 of the settlement Exh A-5 proved in the proceedings.

7. The allegation of the employer that, at the time of the closure of the business of the firm, the applicant had no work to do and during some time he was attending only to

residuary work, even assuming to be correct, would not justify the employer to refuse to the applicant the payment of his wages and other allowances till the date of his resignation since, admittedly, he was in the employment of the Opponent during all this time.

8. Coming now to the claim of Bonus for 4 years from 1977 to 1981 made by the applicant.

The applicant has alleged that some employees were paid bonus corresponding to one month's salary for the accounting year 1977-78, which statement was denied by the employer. The applicant was, however, unable to give the names of such persons who, according to him, were paid bonus for the said year. The applicant has stated that it was a practice of the company not to declare bonus but they used to pay bonus equivalent to one month's salary.

9. Except for this practice alleged by the applicant, there is nothing on record to show that the applicant was entitled to bonus. In the absence of proof of such entitlement and in the absence of proof that other employees were paid of bonus for the year 1977-78 onwards, this request for bonus, which is opposed by the Opponent, cannot be granted. The entitlement for bonus, being disputed, the only way to get the dispute settled is under Section 22 of the Payment of Bonus Act, 1965. An application under Section 33C(2) of the Act can be used only to claim bonus when the entitlement to it is not disputed.

10. In the premises above, I pass the following order:

ORDER

The Opponent is directed to pay to the applicant Rs.17,872-70 of his net wages from May 1980 to May 1981, Rs. 3,655-70 of his wage arrears from January 1974 to August 1977 and Rs. 6,792-70 of his encashment of 112 days privilege leave and 17 and half days of sick leave. The claim for bonus, being disputed, this court has no jurisdiction under Section 22 of the Bonus Act to entertain it in an application under Section 33C(2) of the Act. The amount now granted to the applicant by this order should be paid with interest at the rate 12 p.c. from the date of the filing of this application till the date of effective payment. Costs of Rs. 200/- to be paid by the Opponent to the Applicant.

Dr. Renato de Noronha
Presiding Officer
Labour Court